

Patent Application Serial No. 09/926,697

REMARKS

The claims are amended in view of remarks of Examiner Porter and Examiner Gilligan during the interview of November 24. The now-claimed computer is disclosed in the specification at page 29, line 1, and the display screen is mentioned at page 29, line 3. The "information providing part," which was suggested by Examiner Gilligan, is supported by the input devices mentioned in the first paragraph on page 29. New claim 53 is supported by the second paragraph on page 29, and new claim 54 is supported by lines 1-5 of the third paragraph.

Examiners Gilligan and Porter stated at the interview that the present amendments would result in the claim features being given full weight, and that, if the claims were amended to recite a computer and processing, this would overcome present rejections. As suggested by Examiner Gilligan, claim 51 is canceled. The new claims are patentable for the reasons below.

In response to the outstanding rejection:

All the claims were rejected under 35 U.S.C. §112, second paragraph, for "sheet." This word no longer appears in the claims, and the rejection is therefore moot.

Dependent claim 52 is also rejected under §112, second paragraph (which is traversed), but the Examiner discusses "means for" limitations which are the province of the sixth paragraph of § 112, not the second paragraph; there is no rejection under the sixth paragraph in the Action. The Examiner specifically does not apply the sixth paragraph, stating, "It is unclear whether [the claims and specification] would preclude application of 35 U.S.C 112, sixth paragraph." From the Action, the Applicants understand that no rejection under § 112, sixth paragraph has been made.

However, the Examiner also states (page 4), that she is not giving weight to the Applicants' "means for" language, because of "sufficient structure", etc. To simplify the issues and clarify, the word "means" is removed from claim 47; as to the claim 52, the rejection is respectfully traversed.

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The Examiner appears to apply the section of the law that reads, "An element in a claim for a combination may be expressed as a means or step for performing a specified function *without* the recital of structure, material, or acts in support thereof". However, the Examiner has not identified any specific structure, material, or acts in the claims, instead placing the burden on the Applicant to determine what are the structures or materials which the Examiner sees.

In claim 52 the §112, 6th verbs are *implementing* and *applying* and the nouns are *question, examination, oral cavity, table, test subject, results, part, value, and factor*. The Examiner is asserting that the nouns can perform the steps of the verbs; for example, that an *oral cavity* can *implement*, or that a *table* can *apply*. No such thing is seen. The Examiner is requested to *specifically* point which structure performs what action.

Claim 47 is rejected under 35 U.S.C. §102(b) as being anticipated by Dewey, and claims 51 and 52 are rejected under 35 U.S.C. §103(a) as being obvious over Dewey in view of Connelly. These rejections are respectfully traversed (the rejection of claim 51 is moot).

As the Applicants noted in their earlier arguments, the references do not disclose the claimed features. Now that the claims are amended according to the examiners' suggestion, and these features are given weight, the references are distinguished and the rejections are overcome, as noted by Examiner Gilligan. The Applicants' previous remarks and arguments are incorporated here by reference.

Withdrawal of the rejections is requested.

The new claims are allowable by their dependence, for the reasons above, and for reciting features not disclosed in the applied art.

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The Examiner's considered response to previous arguments is noted with appreciation.
Allowance is requested.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571-273-8300) on December 7, 2009.

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Signature *Nick Bromer*